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The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

HOLLY REIN,

Plaintiff,

v.

RITE AID HEADQUARTERS,
CORPORATION, d/b/a RITE AID, and RITE
AID LEASE MANAGEMENT COMPANY,
d/b/a RITE AID,

Defendants.

RITE AID HEADQUARTERS,
CORPORATION, d/b/a RITE AID, and RITE
AID LEASE MANAGEMENT COMPANY,
d/b/a RITE AID,

Third-Party Plaintiffs,

v.

DURO BAG MANUFACTURING
COMPANY, a Kentucky corporation, and
HILEX POLY CO. LLC, a Delaware
corporation,

Third-Party Defendants.)

Civil Case No. 2:19-cv-00522-BJR

**DEFENDANTS/THIRD-PARTY
PLAINTIFFS RITE AID'S
STIPULATED MOTION FOR
VOLUNTARY DISMISSAL OF
THIRD-PARTY DEFENDANT
DURO BAG MANUFACTURING**

I. STIPULATION

COMES NOW Defendants/Third-Party Plaintiffs Rite Aid Headquarters, Corporation,
d/b/a Rite Aid and Rite Aid Lease Management Company, d/b/a Rite Aid (hereinafter "Rite Aid"),
by and through their undersigned counsel, and pursuant to FRCP 41(a)(1)(A)(ii) moves the Court

RITE AID MOTION TO DISMISS DURO BAG
(2:19-cv-00522-BJR) - 1

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1 for an order of voluntary dismissal for dismissing Rite Aid's claims against Third-Party Defendant
2 Duro Bag Manufacturing (hereinafter "Duro Bag") without prejudice. Defendants/Third-Party
3 Plaintiffs Rite Aid states as follows:

4 On April 10, 2019, Defendants/Third-Party Plaintiffs Rite Aid filed their Answer and
5 Third-Party Complaint against Duro Bag Manufacturing Company. ECF No. 6. Third-Party
6 Defendant Duro Bag filed its Answer and Affirmative Defenses on July 17, 2019. ECF No. 27. As
7 reflected in Duro Bag's answer, no counterclaims have been pled or alleged in this matter.

8 Defendants/Third-Party Plaintiffs have conferred with counsel for Third-Party Defendant
9 Duro Bag regarding this motion, and Duro Bag has no objections to this motion. Defendants/Third-
10 Party Plaintiffs Rite Aid agree to move for voluntary dismissal without prejudice in light of the
11 assurances of Duro Bag that it is not a proper party in this lawsuit as described in the Parties' July
12 23, 2019 Joint Status Report and Discovery Plan.

13 Defendants/Third-Party Plaintiffs Rite Aid therefore respectfully request that the Court
14 dismiss the counterclaims against Third-Party Defendant Duro Bag without prejudice pursuant to
15 FRCP 41(a).

16 **IT IS SO STIPULATED:**

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18 DATED this 11th day of October, 2019.

19 /s/ John R. Barhoum

20 John R. Barhoum, WSBA No. 42776
21 john.barhoum@chockbarhoum.com
22 Attorneys for Rite Aid

23 DATED this 11th day of October, 2019.

24 /s/ Thomas R. Schuck

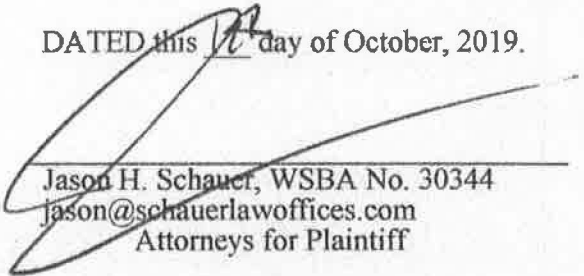
25 Thomas R. Schuck, Pro Hac Vice
26 schuck@taftlaw.com
27 Attorneys for Duro Bag

DATED this 11th day of October, 2019.

/s/ Thomas Brennan

Thomas Brennan, WSBA No. 30662
tom@brennanlegalpllc.com
Attorneys for Duro Bag

DATED this 11th day of October, 2019.


Jason H. Schauer, WSBA No. 30344
jason@schauerlawoffices.com
Attorneys for Plaintiff

1
2 DATED this 6th day of ^{November}~~October~~, 2019.

3 /s/ David S. Mephram

4 David S. Mephram, WSBA No. 21807
5 dsm@hs-legal.com
6 Attorneys for Hilex Poly Co.

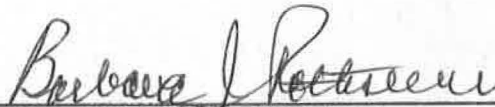
7 **II. ORDER**

8 BEFORE THE COURT is the parties' Stipulated Motion for Voluntary Dismissal of Third-
9 Party Defendant Duro Bag Manufacturing. The parties agree to dismiss Duro Bag Manufacturing
10 without prejudice, pursuant to Federal Rule of Civil Procedure 41(a).

11 ACCORDINGLY, IT IS HEREBY ORDERED that the Stipulated Motion for Voluntary
12 Dismissal of Third-Party Plaintiffs' Claims Against Third-Party Defendant Duro Bag
13 Manufacturing is GRANTED.

14 **IT IS SO ORDERED.**

15 DATED this 6th day of November, 2019.

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21 Honorable Barbara J. Rothstein
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